MESSAGE

OF

GOVERNOR S. V. STEWART

TO THE

FIRST EXTRAORDINARY SESSION

OF THE FIFTEENTH LEGISLATIVE ASSEMBLY

OF THE

STATE OF MONTANA

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GOVERNOR'S MESSAGE

Ladies and Gentlemen of the Fifteenth Legislative Assembly in Extraordinary Session Assembled:

The regular session of your honorable body adjourned on the first day of March of last year. At that time there was raging, as there had been for more than two years theretofore, a frightful and devastating war in Europe. While there was always grave danger of the United States being involved therein, yet there was nothing in the situation as it existed at the time of your adjournment to warrant the belief that our own country would soon be called upon to participate as an actual combatant. It was but natural, therefore, that you did not consider matters of State or of National defense.

Hardly had the members left the Capitol and assumed their regular civic duties when it was brought home to us that the Nation was to be forced into the terrible conflict. When war was declared our people responded to every call of the general government with a promptness that evidenced the spirit of patriotic devotion which has ever impelled and inspired the men and the women of the great West. They have left not one thing undone that good citizenship suggested or that loyalty to the country or to the cause of liberty and justice dictated.

Therefore I come to you speaking for the State and the people and say to you that Montana men and Montana women, and the State of Montana herself, have done everything that it has been possible to accomplish under the circumstances in co-operation with and in support of the government. The things which they have accomplished have written a fair record to the credit of our people. But the people will not be and cannot be satisfied with anything less than a full measure of service and a maximum of substantial contribution to the cause of the Nation.

It has become evident to all that the full capacity of our State and its wonderful resources cannot be co-ordinated with the patriotic desire, the enthusiastic impulse to serve that everywhere animates the citizenship, without some new laws, some new working rules, some new plans and specifications to which they may work with more accurate and positive purpose, and with a better understanding of the mode of procedure to be adopted. This is no time for a division of purpose. There must be no lost motion and neither contention nor duplication of effort. Every resource of the State

should be made to yield its full product, and with the least possible expenditure of man power and expense; and every individual should realize that his or her efforts must be exerted in conjunction, in full accord, and in complete harmony with the efforts of every other individual in the State.

Seed Grain and Feed.

Some of the newer farmers must have assistance to secure seed and feed, else some of the fertile acres of the State may lie untilled and unproductive. Our brave boys are prepared to make the great fight for us at the front, but they cannot do credit to themselves or bring victory to our cause without bread to sustain them. Montana has the acres and the soil and, given the means of planting a crop and seasonable conditions, our contribution to the food supply of the world must mean much to the cause of the Allies. The old "Seed Grain Law" is not adequate, and under its restrictive terms and conditions but little help may be expected.

Other things to be called to your attention are important, but the one thing that really dictated this call for a special session is the necessity for amendment to the "Seed Grain Law." I sincerely hope that you may be able to draft a law that will admit of the needy farmers getting not only seed but feed from the various counties of their residence, and that will invest the counties with authority to incur sufficient indebtedness to meet the emergency of the occasion in that respect. The Supreme Court has construed the present law so as to give you a clear understanding of the possibilities and scope of legislation on the subject.

Moratorium and Statute of Limitations.

The system of raising an army adopted by and now in full force in the United States is the most equitable and the fairest, as well as the most efficient, system that has ever been devised. It has calld men from the bank, the store, the smelter, the mine, the office and the farm. It has not been a respecter of persons, but rather of conditions. Consideration has been given to dependent members of families and to the necessity for continued production in the country. The man of means and the wage-earner have gone to the cantonments side by side. It is but proper that these men should be invested with as much immunity as may be consistent with the circumstances of the times and the great sacrifice which they must of necessity make in the cause of the people. To suspend the operation of statutes of limitation against them during their time of service and for a reasonable time after discharge, and to impose a moratorium in their behalf would seem to be but proper and just. I would urgently recommend that such action be taken as may seem to be reasonable, equitable and fair under the circumstances.

State Council of Defense.

The National government has seen fit to constitute and maintain a Council of National Defense, and has asked that the States organize such bodies for co-operation along defense lines. As Governor of the State I appointed a State Council of Defense, but it has no legal existence and no real authority for either its existence or its acts. Nevertheless, the State Council of Defense has been active and has rendered very substantial and important service.

In order to carry on the activities suggested by the National Government and inaugurated by the State Council of Defense, State money was utilized from some of the various departmental funds. The Agricultural College Fund, the Farmers' Institute Fund, the Agricultural Extension Service Fund and the Department of Agriculture and Publicity Fund were all invaded. I would not only recommend that the State Council of Defense be made a legal entity and clothed with legal authority, but I recommend, in addition to this, that an appropriation be made to make good the amounts used from the various funds mentioned as well as to enable the State Council of Defense to conduct future activities. If this is not done the various departments from which funds have been taken will be circumscribed and restricted in their work for the present year.

Home Guard.

Ever since danger threatened the country from without there has been fear of disturbance within. Many communities have organized Home Guard Companies, and the National Congress has provided a degree of recognition to such organizations. It is very evident that Home Guard Companies will be maintained in this State either with or without law enacted by the State on the subject. If they remain in existence under present circumstances they are without either legal authority or legal rights, save and except the general privileges and immunities enjoyed by and the duties imposed upon the individual members as citizens of the State and of the Nation. They may perform, and in some instances have performed, important civic duties, but there is the danger that always comes from lack of clearly defined legal purpose. There is no community legal responsibility. The Home Guard Company is merely an aggregation of citizens banded together for the general good, and as such they constitute themselves the sole judges of the rights and powers of the organization.

It is easy to see that the splendid purpose of defending the community in its right of property and personal peace may be readily converted by excess and intolerance into a means of positive menace to the safety of individuals and neighborhoods. I would recommend

that Home Guard Companies be given legal status and their rights, authority, and the scope of their activity defined and that the organizations and the members thereof be made responsible officers of the State with a corresponding obligation as such.

Sedition and Treason.

While we all realize that primarily it is the duty of the general government to protect the people against seditious, treasonable and disloyal acts and utterances, nevertheless it is apparent that the State should have statutes on the subject so that there may be no failure of punishment and repression. Acts of such a character are intended to hinder, delay and defeat the very purposes for which we are giving our best efforts, contributing our material means and sacrificing our own flesh and blood. The great war must and will continue until our enemies are whipped. Nations are like men—they are not conquered until a full realization of their defeat is forced upon them. Just so long as our enemies feel that there is a possibility of America weakening, of her being turned aside from her great purpose by internal dissension, lack of unity or division of sentiment, there is hope for the antagonist.

Germany and the Central Powers must be made to understand that America is in this war to win, no matter what may be the sacrifice of treasure and of blood. When that fact is borne in upon the Germans the beginning of the end will have come; but it can never come while we have men and women abroad in the land, vipers circulating the propaganda of the junkers; it can never come while we have traitors in our midst creating material for propaganda. The spy system of Germany reaches its poisoned tentacles into every part of the world. Our own country is not free from it. By such means it is not only sought to poison and paralyze the enemies of Germany, but every disloyal utterance and every treasonable act is duly reported in exaggerated form to the German people in order to impress them with the fact that America is not united and will either quit or fail.

From nearly every household a boy has gone forth to do his part in the struggle. The fond parents sit at home in the eventide and long for the safe return of the loved one. What privations, what hardships and what sacrifices are they making from day to day for the comfort and efficiency of the soldier lad away out across there in the trenches! The tender mother is startled by the mere suggestions that the boy may not come back, and the father clenches his fists at the very suspicion that any of his own acquaintances might conspire to encompass the destruction of his son and heir.

And yet in many communities there are people, mayhap neighbors of the fond parents just described, who either purposely or with-

out thought, but nevertheless wickedly, give voice to sentiments which, carried to the German soldiers in distorted form, will cause some certain company or unit to make just one more stand for the kaiser and autocracy. In that one more last stand, who knows but your boy may fall a victim to German barbarity, to German "efficiency?" Who knows but that the same mother, wakened from her troubled sleep by some occult influence wafted clear across the ocean by a medium unseen, unheard and little understood, may in reality be recoiling from the terrible pain of the smothering gas, or the sharp point of a bayonet, directed at her boy, her own flesh and blood, by the relentess barbarians, spurred on, strengthened and emboldened to make just one more stand by the stories that America is disunited, that the timber of her manhood has decayed, that the luster of her womanhood has tarnished.

And so I say to you that if you would do something for the efficiency of America's efforts, if you would rouse the spirits, cheer the hearts and make strong the good right arm of America's offensive and defensive, if you would bring discouragement to her enemies; in other words, if you would hasten the close of the war and impress upon every Nation and every people in the world that America has cast her all in the balance, united and harmonious in her determination to bring victory to her cause, enact a law here in Montana that will make available a mighty means of throttling the traitor and choking the traducer. Fix it so that no longer may the enemy spies or the peddlers of sedition and slander go free in Montana to insult the patriotism and offend the loyalty of our citizens at home or send cheer to the enemy abroad. The free air of Montana is too pure, too sacred, and too precious a heritage here in this mountain region to be used as a medium by the vicious, the traitorous and the treasonable to breathe forth sentiments of disloyalty against our cause and to extend comfort to the enemies of the country.

While we are anxious to see just and adequate punishment visited upon the guilty, care should be taken that no machine be created for the oppression of the innocent. The law should be plain and unequivocal, but should be so drawn that its provisions cannot be misapplied or its operation turned aside to the accomplishment of an unworthy purpose.

Sabotage.

Some individuals and a few organizations have indulged in what is known as sabotage, criminal syndicalism and industrial and political anarchy in the different parts of the United States. Montana is no worse off in this respect than many of the other states; but, while other states have provided for the punishment of those who are guilty of the crime just mentioned, our State unfortunately has no special statute under which such activities may be held in check and punished.

The industries of the State must continue. When crops are raised they should be harvested without let or hindrance from those who are criminally inclined. To burn a threshing machine or an elevator, to destroy a crop, or to halt the process of an industry at this time should and does warrant severe punishment at the hands of the State. Our people are not in a mood to palliate such things or condone them. If a State law is not devised and enacted by this Legislative Assembly it is not at all unlikely that such acts of violence and destruction may cause the people of the State to take the law into their own hands and visit upon those who are so charged most drastic punishment, and that without the fair and impartial trial guaranteed by our Constitution. It would indeed be unfortunate to contemplate such a condition.

In view of the existing conditions and of the possible results that may accrue, I most earnestly urge upon you the necessity of legislative enactment to cover sabotage, criminal syndicalism and industrial and political anarchy.

Absent Voter Law.

It is very evident that Montana's citizen soldiers absent from the country in the service of the Nation will not be able to vote at elections unless the Absent Voter Law is enlarged in its terms and made more comprehensive. The men who are fighting our battles abroad are just as much citizens as they ever were, and they should not be deprived of their votes because, perchance, the people of the State and Nation have selected them to go to other countries and other lands to fight the Nation's battles. I therefore respectfully urge upon you the necessity for amendment of the Absent Voter Law.

Prohibition Amendment.

Since your adjournment the Congress of the United States has submitted to the Legislatures of the several states, for ratification, what is known as the National Prohibition Amendment. The amendment is submitted to you for appropriate action.

Firearms.

Along the line of defense, I would respectfully suggest to you that a law should be enacted providing for the registration of dealers and purveyors of firearms and ammunition within the State of Montana. The law should provide that all merchants and other dealers, before engaging in the sale of firearms, shall register with some suitably designated official, and that thereafter the dealer shall and must keep a record of all sales of firearms and ammunition for the inspection and information of public officials, especially peace officers.

County Bonds.

Some of the counties of the State have issued bonds without taking the necessary and proper legal steps required by law. The legal department of the State has advised me that these bonds may be validated by the passage of a curative act. I respectfully recommend that the Legislative Assembly give attention to the matter of curing the legal defects as they exist in these county bonds.

Montana Whitefish.

The necessity for substitute food products is becoming more and more apparent. Under our present game laws the Montana whitefish or Rocky Mountain whitefish is classed as a game fish and therefore cannot be sold in the market for food purposes. I recommend that whitefish be removed from the classification as a game fish so it may be sold for food purposes within the State, during the pendency of the war at least.

Forest Fire Prevention.

Attention has just been directed to the fact that legislation should obtain to conserve the timber of the State and to reduce the cost of the prevention of forest fires.

In 1917 the damage to timber within the boundaries of this State amounted to $312,575.00: the cost of extinguishing fires, $481,331.00. The total was $793,906.00. It is estimated that twenty-five per cent of the loss was caused by brush burning. The danger period is between June 15 and September 15 of each year, leaving nine months of an open season which would seem to be ample time for the burning of brush.

It seems, therefore, that an emergency exists in this respect and that a closed season against burning brush should be established by law.

Many other matters of importance could be submitted to you for appropriate consideration, but I appreciate the fact that this is an extraordinary session of the Legislative Assembly and that the members are not in a position to remain in session for a long period of time.

I have sought to submit to you only emergency measures. It is unnecessary for me to say to you that your session should be brief, and in order that it may be of short duration I have limited the number of the subjects submitted for consideration.

Many patriotic offers have come from former employes and departmental clerks and stenographers at the Capitol to do the clerical part of your work as a patriotic service. I am sure that you will avail yourselves of these offers wherever it is consistent to do so and that your session will be characterized by promptness, effi-

ciency and patriotic devotion to duty. If ever there was a time in the history of the State when partisanship, sectional antagonisms and personal ambition should be relegated to the rear this is the time. The people expect public servants to rise above all of these things and give the unselfish service which alone can redound to the benefit of the State and the Nation.

S. V. STEWART,
Governor.